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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/507,177 | 09/10/2004 | Michael Maurice Butler | 101709.55374US | 4396 |
| 23911 7590 11/03/2008 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300 | | | | |
| EXAMINER | | | | |
| PHULIC, DANIEL T | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3662 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 11/03/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/507,177

Applicant(s)

BUTLER, MICHAEL MAURICE

Examiner

Dan Pihulic

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-33 and 35 is/are allowed.
- 6) ☒ Claim(s) 11-25, 34 and 36-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

1. Applicant's arguments filed 8-04-2008 have been fully considered but they are not persuasive with regards to claim 11. Figure 3 of the WO0109562 reference clearly shows a Gap (as indicated by the examiner) between the side of the object (14b) and the array (10).

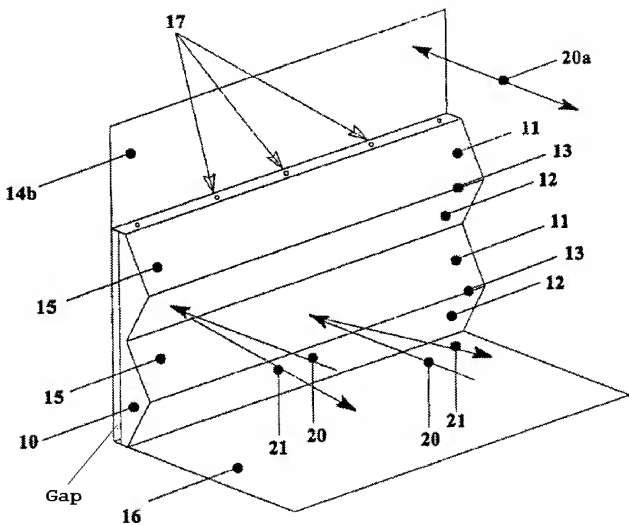


Figure 3

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the reflective, absorptive and curved panels must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the

international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 11-15 17-22, 24, 25 and 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by WO0109562. The WO0109562 reference discloses the utilization of an apparatus for reducing electromagnetic radiation reflected from at least one object in the direction of at least one electromagnetic radiation receiver (Threat Direction), the apparatus comprising an array (11 and 12), provided between each object (14b) and receiver, of at least one substantially reflective panel (11 and 12), each panel arranged such that the array reflects and disperses incident electromagnetic radiation away from each receiver (see Figure 2 and the Abstract) as recited in claims 11 and 36. Figure 3 of the WO0109562 reference clearly shows a Gap (as indicated by the examiner) between the side of the object (14b) and the array of panels (10)

With regards to claim 12, the WO0109562 reference discloses attaching the panels (11 and 12) to an outer surface of the object (14b).

With regards to claims 13 and 20, the WO0109562 reference discloses the utilization of panels that reflect radar (see the Abstract and Figure 2).

With regards to claims 14 and 21, the WO0109562 reference discloses the utilization of absorbing material (see page 2, lines 3-4).

With regards to claims 15 and 22, the WO0109562 reference discloses the utilization of planar panels 11 and 12 (see the Abstract and Figure 3).

With regards to claims 17 and 24, the WO0109562 reference discloses the utilization of irregularly shaped panels (see page 3, lines 31-32).

With regards to claims 18, 19 and 25, the WO0109562 reference discloses the utilization of facets (see page 4, lines 3-5).

With regards to claims 37-39, the WO0109562 reference discloses retrofitting a building (see page 5, lines 15-31).

5. Applicant's arguments with respect to claims 16, 23 and 34 have been considered but are moot in view of the new ground(s) of rejection.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16, 23 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO0109562 as applied to claim 11 above, and further in combination with US5488372. The difference between the WO0109562 reference and claims 16, 23 and 34 is that the claims recite the utilization of curved panels. The US5488372 reference teaches that it was well known in the art to utilize curved panels (see figures 1-6 & 11; and column 2, lines 1-26). It would have been obvious to modify the WO0109562 reference to utilize curved panels as motivated by the

US5488372 reference to enable the WO0109562 system to avoid undesirable echoes at close proximity to a radar source (see column 1, lines 1-30).

8. Claims 26-33 and 35 are allowed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pihulic whose telephone number is 571-272-6977. The examiner can normally be reached on Tuesday through Thursday and every other Monday and Friday from 5:30 a.m. to 4 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza, can be reached on 571-272-6979.

The fax phone numbers for the organization where this application or proceeding is assigned are:

571-273-8300 for official responses, and

571-273-6977 for unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the telephone number 800-786-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

**/Dan Pihulic/
Primary Examiner, Art Unit 3662**